

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYNCPOINT IMAGING, LLC,

§

Plaintiff,

§

Case No. 2:15-cv-00247-JRG-RSP

v.

§

NINTENDO OF AMERICA INC., et al.;

§

§

Defendants.

§

ORDER

Before the Court is the Report and Recommendation entered by Magistrate Judge Payne, which recommends denying SyncPoint's motion to dismiss the case without prejudice for mootness and further recommends that a dismissal with prejudice be entered. For dispositive matters referred to a Magistrate Judge, the district court must "determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(C). "The district judge may accept, reject, or modify the recommend disposition." Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(C). Having fully reviewed the Report and Recommendation de novo, and having found SyncPoint's objections unpersuasive, the Court finds no reason to reject or modify the recommended disposition.

Accordingly,

It is **ORDERED**:

- (1) SyncPoint's objections to the Magistrate Judge's Report and Recommendation, Dkt. No. 282, are **OVERRULED**.
- (2) The Magistrate Judge's Report and Recommendation, Dkt. No. 279, is **ADOPTED**.
- (3) SyncPoint's motion to dismiss without prejudice, Dkt. No. 260, is **DENIED**.

(4) This case is hereby **DISMISSED WITH PREJUDICE**. The Clerk is directed to close this case.

So ORDERED and SIGNED this 9th day of February, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE